

Application No. 09/828,477

PATENT RESPONSE

**REMARKS**

Claims 1-34 are pending, and Applicant currently amended independent Claims 1 and 18, with all other claims respectfully depending therefrom.

As a preliminary matter, Applicant respectfully directs the Examiner's attention to the Attorney's New Docket Number (i.e., BAC-32569), which Applicant intends to replace the Attorney's Old Docket Number (i.e., 027448.0011), a change which Applicant hereby respectfully requests, if possible, for the Examiner to effectuate.

**In the interest of clarity, the following Item Numbers correspond to the Examiner's Item Numbers in the June 16, 2004 non-final Office Action:**

1. Applicant acknowledges that the Examiner accepted the drawings received on April 5, 2001, for which Applicant is grateful.

2-3. The Examiner rejected Claims 9, 14, 26, and 31 under 35 U.S.C. § 112, second paragraph, as being "indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." More specifically, the Examiner asserts it is indefinite how voiceprints and facial recognition can be received in the form of a live image. Respectfully, Applicant traverses and requests withdrawal.

More specifically, Applicant respectfully asserts that a voiceprint can be captured in real time as a live image in an audio recording. In other words, if the audio recording is captured in real time, Applicant submits it is a live image in the context of Applicant's pending patent application. Similarly, Applicant also respectfully asserts that a facial impression can be captured in real time as a live image in an photograph or photographic-type of recording. In other words, if the photograph or photographic-type of recording is captured in real time, Applicant submits it is a live image in the context of Applicant's pending patent application. Consequently, Applicant respectfully asserts it is not indefinite how voiceprints and facial recognition can be received in the form of a live image, and thus, Applicant respectfully asks the Examiner to clarify or withdraw the rejection.

4-5. The Examiner rejected Claims 1-9 and 18-26 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0154793 A1 to Hillhouse et al. ("Hillhouse"). Respectfully, Applicant traverses and requests withdrawal.

More specifically, Applicant, unlike Hillhouse, stores at least two master templates for each biometric sample. Hillhouse's conception, on the other hand, does not teach, disclose, or

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otherwise suggest storing or using multiple master templates for each biometric sample. Providing multiple master templates for each biometric sample increases Applicant's accuracy when attempting to correlate live templates thereto. Accordingly, Applicant respectfully asserts Hillhouse does not teach, disclose, or otherwise suggest the subject matter Applicant claimed, as evident from the language of Applicant's amended claims.

Incidentally, Applicant notes that in the Examiner's rejection of Claims 6 and 23 on page 4 of the Office Action, the Examiner incorrectly asserts that Hillhouse "stores multiple master templates for each biometric sample for said applicant." Factually, this is inaccurate, and Applicant respectfully asserts that the Examiner may have misread or misinterpreted Hillhouse, which reads "A master enrollment...is stored for each biometric." *Hillhouse, Page 4, ¶ 0065 (emphasis added)*. As a preliminary matter, the Examiner should also not equate a master enrollment with a master template. For example, according to Hillhouse, "A number of historical *enrollments* are stored for each biometric *template*." *Id. (emphasis added)*. Thus, Hillhouse stores multiple enrollments for each template. The Examiner should not equate this with storing multiple templates for each biometric sample. In addition, storing a single master enrollment for each biometric is not to be equated with storing multiple master templates. To the contrary, Hillhouse's reference to updating plural "maser [sic] enrollments" during a static enrollment process refers to multiple users, not multiple templates.

For at least the foregoing reasons, Applicant respectfully requests that the Examiner withdraw the rejection of Claims 1 and 18 under 35 U.S.C. § 102(e) as being anticipated by Hillhouse. In accordance with the foregoing, Applicant also respectfully asserts that since Applicant's independent Claims 1 and 18 are non-obvious, the respectively dependent Claims 2-9 and 19-26 depending therefrom are also non-obvious, for which Applicant also respectfully requests that the Examiner withdraw the rejection thereof under 35 U.S.C. § 102(e) as being anticipated by Hillhouse.

6-8. The Examiner also separately rejected Claims 10-17 and 27-34 under 35 U.S.C. § 103(a) as being unpatentable over Hillhouse. Respectfully, Applicant traverses and requests withdrawal.

More specifically, the Examiner took Official Notice that various types of well-known biometric samples include handprints, handwriting, hand geometry, facial geometry, facial recognition, retinal scans, iris scans, and thermal imaging. However, as Applicant previously

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indicated, since independent Claims 1 and 18 are non-obvious, the respectively dependent Claims 10-17 and 27-34 depending therefrom are also non-obvious. Nevertheless, if the Examiner maintains the rejection of Claims 10-17 and 27-34 under 35 U.S.C. § 102(e) as being anticipated by using any of the biometric samples mentioned above in Hillhouse in accord with the Official Notice, then Applicant respectfully traverses the Official Notice as overly broad and requests a reference in support of this position in accord with MPEP § 2144.03. Alternatively, Applicant respectfully requests that the Examiner withdraw the rejection of Claims 10-17 and 27-34 under 35 U.S.C. § 103(a) as being unpatentable over Hillhouse.

9. Applicant respectfully acknowledges the prior art the Examiner made of record but did not rely upon.

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CONCLUSION

Applicant believes Applicant has overcome the Examiner's rejection of Claims 9, 14, 26, and 31 under 35 U.S.C. § 112, second paragraph, and Claims 1-34 under 35 U.S.C. § 103(a) as being unpatentable over Hillhouse. Accordingly, Applicant believes Claims 1-34 are patentable and respectfully submits that all pending claims are in a condition for allowance, which Applicant respectfully requests.

Applicant believes this Response should allow the Examiner to allow the above-referenced patent application to issue as a U.S. patent without further amendments to the specification or claims. Thus, Applicant also requests notification to that effect.

If questions arise, please telephone the undersigned attorney.